FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The Petitioners herein request a variance to permit a side yard setback of 10 feet in lieu of the required 15 feet for a proposed addition and an amendment to the Final Development Plan of Stanton Woods in accordance with Petitioner's Exhibit 1.

The Petitioners, by Richard H. Kress, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 3409 Englemeade Road, consists of .739 acres more or less zoned R.C. 5 and is currently improved with a single family dwelling. Petitioners are desirous of constructing two additions onto the existing dwelling to provide more habitable space for their growing family. Testimony and evidence indicated that only the proposed addition on the southwest corner of the subject dwelling requires a variance. Mr. Kress testified that due to the layout of the dwelling and its location on the subject property, the proposed location for the addition is the most practical and if the requested relief were denied, he would suffer an undue hardship and practical difficulty. Mr. Kress further testified that he has discussed his proposal with his neighbors who have indicated they have no objections.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Secthe Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this _____day of June, 1990 that the Petition for Zoning Variance to permit a side yard setback of 10 feet in lieu of the required 15 feet for a proposed addition and an amendment to the Final Development Plan of Stanton Woods, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2) Petitioner shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments.

John M. Cosaraquis, L.S. (Ret.) (301) 887-3353

Civil Engineers and Land Surveyors 1777 Reisterstown Road Commercentre, Suite 175 Baltimore, Maryland 21208

(301) 484-0894 / 484-0963

KCW Consultants, Inc.

Property of Richard H. Kress and Cheryl B. Kress #3409 Englemeade Road,

Third Election District, Baltimore County, Maryland

Third Election District.

March 9, 1990

Douglas L. Kennedy, P.E.

William K. Woody, L.S.

DESCRIPTION TO ACCOMPANY PETITION FOR ZONING VARIANCES.

BEGINNING at a point on the South side of Englemeade Road, 50 feet wide, at a distance of 670 feet, more or less, East of the centerline of Stevenson Road, 60 feet wide; thence (1) by a curve to the right having a radius of 725.00 feet and an arc length of 160.09 feet;

(2) South 11 degrees 46 minutes 36 seconds East 246.98 feet;
(3) South 79 degrees 53 minutes 35 seconds West 108.06 feet (4) North 24 degrees 25 minutes 42 seconds West 231.86 feet to the point of beginning, containing 32,191 square feet or 0.739

acres, more or less. BEING Lot No. 15 as shown on "Plat No. 2, Stanton Woods" as recorded in Baltimore County Plat Book No. E.H.K. Jr. 37, Folio 145. Also known as No. 3409 Englemeade Road and located in the

Baltimore County Office of Planning & Zoning Towson, Maryland 21204

CONFIRMING

May 24, 1990

NOTICE OF REASSIGNMENT

90-454-A Richard and Cheryl Kress

THE HEARINGS WILL NOW TAKE PLACE AS FOLLOWS:

THURSDAY, MAY 31, 1990 at 2:30 p.m. BALTIMORE COUNTY OFFICE BULIDNG, 111 W. Chesapeake Avenue, Room 106, Towson, Maryland 21204

J. Robert Hairea

ZONING CONNISSIONER BALTIMORE COUNTY

Mr. & Mrs. Kress

TOTAL: *35.00 PUBLIC HEARING FEES PARKETS PROPERTY. 010 -ZONING VARIANCE (IRL) LAST NAME DE OWNER KRESS

3) Upon request and reasonable notice, Petitioners

shall permit a representative of the Zoning Enforce-

ment Division to make an inspection of the subject

Zoning Commissioner for

Baltimore County

property to insure compliance with this Order.

CERTIFICATE OF POSTING 90-454-A ZONING DEPARTMENT OF BALTIMORE COUNTY Townsen, Maryland	
District 3 rd.	Date of Posting April 30,1
Posted for: Paramete. Petitioner: Richard H. K.	. 200 000 000 000 000 000 000 000 000 00
Petitioner: Auchara Mill	mende Road 670'E of Stevenson
Pard 3409 Engline	neade Road, 670'E of Sterenson
Location of Signer for front of	3409 Englewade Road
Remarks:	en - 1000
Posted by S.J. Arata	Date of return: May 3, 1990
Number of Signes	

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a 1B02.3.B. To allow a 10 ft. setback in lieu of the 15 ft. required by the Final Development Plan of Stanton Woods, Lot 15, Book 37 Folio 145. AND To amend the Final Development Plan. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) Due to alignment of present house, extension to expand master bedroom requires encroachment beyond the 15 foot side yard shown on the original development plan. Architecture of current building requires projection of building as shown on attached plat. To attempt design of master bedroom in another way is beyond practical difficulty and probably impossible. We believe (i) and (iii) of a.2. under Variances contained on page 1 of the Zoning Hearing Checklist are applicable. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County, I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition Contract Purchaser: Legal Owner(s): <u>E.X</u> Richard H. Kress (Type or Print Name) Signature Cheryl B. Kress City and State Attorney for Petitioner: 560-1402 (Office) 3409 Englemeade Road 653-2865 (Home) (Type or Print Name) Pikesville, Maryland 21208 City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted Richard H. & Cheryl B. Kress Name 3409 Englemeade Road 560-1402 (Office) Pikesville, MD 21208 653-2865 (Home) Attorney's Telephone No.: ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _______, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25 day of many ESTIMATED LENGTH OF HEARING (-1/2017. AVAILABLE FOR HEARING MON./TUES./WED. - NEXT TWO MONTHS Zoning Commissioner of Baltimore Count NON./TUES./NET OTHER JENED BY: JN DATE 3-16-87 REVIEWED BY:___ **CERTIFICATE OF PUBLICATION** Development Plan.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning conmissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. NOTICE TO HEARING NOTICE TO HEARING

The Zoning Commissioner of Battimore County, by authority of the Zoning Act and Regulations of Battimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Pattion for Zoning Variance
Case number: 90-454-A
S/S Englemeade Road
870' E of Stevenson Road
3409 Englemeade Road
3rd Election District
2nd Councilmania
Pattioner(s): THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published n Towson, Baltimore County, Md., ence in each of <u>l</u> successive U293 April 7 🐰 weeks, the first publication appearing on Linux 26. 19 90 Pettioner(s):
Richard H, Kress, et uk
Hearing Date: Friday,
May 25, 1990 at 2:00 p.m. Variance: to allow a 10 ft. setback in lieu of the 15 ft. required by the Final Development Plan of Stanton Woods, Lut 15, Book 37, Folio 145 and to amend the Final THE JEFFERSONIAN. 5. Zette Orlown المتحكمة المتعلقة المتعلقة المتكافرة المتعارضة المتعارض المتعارض والمتعاقبة والمتعارض المتعارض المتعارض المعارض CERTIFICATE OF PUBLICATION The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified hearing in Room 104 of the County Office Building located at 111 W. Chesapeake Avenue in Toweron, Manyland 21204 as follows:

Patition for Zoning Variance Case number: 90-454-A SrS Englemeade Road 670' E of Stevenson Road

AROBERT HAM ES, Zoning Commissioner of THIS IS TO CERTIFY, that the annexed advertisement was blished in THE JEFFERSONIAN, a weekly newspaper published Towson, Baltimore County, Md., once in each of _____ successive reeks, the first publication appearing on Land 26, 19 90 S/S Engirmende Road 670' E of Stevenson Road 3409 Englemende Road 3rd Election District 2nd Councilmanic Petitioner(s): Richard H. Kress, et us 4/293 April 28.

PO 104494

337-2425

Hearing Date: Friday, May 25, 1990 at 2:00 p.m.

Variance: to allow a 10 ft, sotback in less of the 15 ft, sequired by the Final Development Plan of Stanton Woods, Let 15, Book 37, Folio 145 and to amend the Final

THE JEFFERSONIAN,

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 26 H day of

the first publication appearing on the 25H day of April 19 90 the second publication appearing on the . .

____day of ____ the third publication appearing on the

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

May 4, 1990

Mr. & Mrs. Richard H. Kress 3409 Englemeade Road Pikesville, MD 21208

RE: Item No. 320, Case No. 90-454-A Petitioner: Richard H. Kress, et ux Petition for Zoning Variance

Dear Mr. & Mrs. Kress:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

AUTOMOTIVE EAL ESTATE vehicles from \$100. Fords, Mercedes, Corvettes, Chevys, Surplus Buyers Guide. 1-602-838-8885, c.d. A-4146.

k know program, get the

GOVERNMENT SRIZED vehicles from \$100, Corvettes, Chevys, Porches, and other confiscated properties. For buyers guide," 1-800-448-2562, ext. 2278. Also open evenings & weekends FOR RENT NEW OFFICE SPACE-

Reisterstown, elevator-served. LEGAL NOTICE NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County with hold a public hearing on the property identified in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue is Towson, Marvimal as follows: Road
13409 Englement Road
1340 Englement

this period for good cause shown. Such request must be in writing and received in this office by

ON THURSDAY, MAP 10, 1990 At 3:00 P.M. PLACE: Fourth Floor

Mass Transit Administration 300 West Lexington Street Baltimore, Maryland 21201-3415 Property known as No. 745 HOWARD ROAD, SUDBROOK PARK, THIRD ELECTION DISTRICT, BALTIMORE COUNTY, MARY-LAND, containing approximately 8,407 square feet of land, more or less, improved by a two-story brick dwelling.
TERMS OF SALE: All offers (bids) are to be presented in a sealed Bid for 745 Howard Road Mass Transit Administration 300 West Lexington Street
Baltimore, MD 21201-3415
on a form provided by the Mass Transit Administration (MTA) no later

than 3:00 p.m., May 10, 1990. Any bid received after that time will not be accepted and will be returned to the bidder in the scaled envelope. At 3:00 p.m. on May 10, 1990 the bids will be opened and publicly read. The form provided by the MTA shall constitute a binding offer from the offeror to the MTA. Any bid not presented on a MTA form will be automatically rejected as non-responsive. A cashier's or certified check in the amount of 10% of the sealed bid, drawn payable to the MTA, must accompany the sealed bid to guarantee performance by the offeror. No offer will be considered a contractual agreement until fully approved by the Maryland Board of Public Works. Deed of Transfer contains convenants of owner occupancy requirements.

Copies of the bid forms are available at the main office of the MTA and will be available at the premises on the inspection dates. For additional information and bid forms contact Sharon Evans, Mass Transit Administration, 300 W. Lexington Street, Baltimore, Maryland 21201-3415, Telephone: 333-3458. MTA reserves the right to hold all bids and deposits for a period of two weeks to review all bids received. All bids submitted shall be

binding upon the offeror for a period of ninety (90) days from the date of bid opening. No offer below the minimum bid of \$79,000 will be The premises will be open for inspection on April 28, 1990 and May 1, 1990 from 11:00 a.m. to 3:00 p.m.,

Settlement will be held on or about thirty days after approval of the offer by the Maryland Board of Public Works. The balance of the urchase price will be paid by cashier's or certified check at settlement. ill recording costs, taxes and transfer stamps shall be paid by the THE MASS TRANSIT ADMINISTRATION RESERVES THE

yy someones.

If a offset the effect of increasing in the property tex rate should be greated to the constant yield tax rate.

If a considering not reducing its cate enough to offset increasing rate enough to offset increasing.

County Office Building

PUBLIC HEARING FEES

LAST NAME OF OWNER: KRESS

B B195*****9370:a 301%F Please make checks payable to: Baltimore County

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner



Your petition has been received and accepted for filing this 4th day of April, 1990.

> a. Robert Haines ZONING COMMISSIONER

Petitioner: Richard H. Kress, et ux Petitioner's Attorney:

Baltimore County Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204 (301) 887-3353

Mr. & Mrs. Richard H. Kress

Pikesville, Maryland 21208

3409 Englemeade Road

J. Robert Haines Zoning Commissioner

Petition for Zoning Variance CASE NUMBER: 9D-454-A S/S Englemeade Road, 670' E of Stevenson Road 3409 Englemeade Road 3rd Election District - 2nd Councilmanic Petitioner(s): Richard H. Kress, et ux HEARING: FRIDAY, MAY 25, 1990 at 2:00 p.m.

Please be advised that \$93.70 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S)
RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.

DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Saltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

DATE: April 6, 1990 J. Robert Haines Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning Henry F. Renard, Item No. 326 Theresa Marie Durbon, Item No. 328 Diana Ely Epstein, Item No. 325 Donald H. Wilson, III, Item No. 323 Richard H. Kress, Item No. 320; Michael R. Spodak, Item No. 318 Richard C. Tilghman, Item No. 319 Durban Road Ltd. Part., Item No. 315 Fitch Avenue Ltd. Part., Item No. 314

Douglas E. Abrams, Item No. 308 Chestnut Ridge Country Club, Item No. 300 In reference to the Petitioners' requests, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEMVARI.ED/ZAC1

Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner

April 11, 1990

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Roca 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance CASE NUMBER: 90-454-A S/S Englemeade Road, 670° E of Stevenson Road 3409 Englemeade Road 3rd Election District - 2nd Councilmanic Petitioner(s): Richard H. Kress, et ux HEARING: FRIDAY, MAY 25, 1990 at 2:00 p.m.

Variance: To allow a 10 ft. setback in lieu of the 15 ft. required by the Final Development Plan of Stanton Woods, Lot 15, Book 37, Folio 145 and to amend the Final Development Plan.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permi during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of

cc: Richard H. Kress, et ux

Baltimore County
Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

March 23, 1990



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

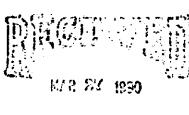
Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 300, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, and 321.

Very truly yours,

Michael S. Flanigan Traffic Engineer Assoc. II

MSF/lvw



ZONNIG OFFICE

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500 Paul H. Reincke

APRIL 4, 1990



J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RICHARD H. KRESS

Location: #3409 ENGLEMEADE ROAD

Item No.: 320 Zoning Agenda: APRIL 3, 1990

Gentlemen:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Catt Delt Jelly 4-490 Noted and Captain W. F. Brady Kehn Planning Group Fire Prevention Bureau Special Inspection Division

JK/KEK

5 . Lan

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 4, 1990

FROM: Robert W. Bowling, P.E.

: Zoning Advisory Committee Meeting for April 3, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for the subject zoning items and we have no comments for the subject zoning items and we have no comments for the subject zoning items 317, 318, 319 and 320.

For Items 309, 314, 315 and 317, the previous County Review Group comments apply.

For Item 316, a County Review Group meeting may be required.

For Item 321, a County Review Group meeting may be required. Neither lot has in-fee frontage to a public road.

ROBERT W. BOWLING, P.R., Chief Developers Engineering Division

RWB:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-833

J. Robert Haines
Zoning Commissioner

June 7, 1990

Mr. & Mrs. Richard H. Kress
3409 Englameade Road
Pikesville, Maryland
21208

RE: PRITTION FOR ZONING VARIANCE
S/S Englameade Road, 670' E of Stevenson Road
(3409 Englameade Road)
37d Election District - 2nd Councilmanic District
Richard H. Kress, et ux - Petitioners
Case No. 90-454-A

Dear Mr. & Mrs. Kress:

Enclosed please find a copy of the decision rendered in the
above-captioned matter. The Petition for Zoning Variance has been granted
in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within
able, any party may file an appeal to the County Board of Appeals within
thirty (30) days of the date of this Order. For further information on
filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. ROBERT HAINES

cc: People's Counsel

File

Zoning Commissioner for Baltimore County

